

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of T. C. L., Minor.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CAROL ANN PAYNE,

Respondent-Appellant,

and

JOHN MORRIS,

Respondent.

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UNPUBLISHED

March 16, 2001

No. 226496

Saginaw Circuit Court

Family Division

LC No. 88-020051-NA

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In the Matter of R. K. B. and M. H. B., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CAROL ANN PAYNE,

Respondent-Appellant,

and

RICHARD BILICKI,

Respondent.

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No. 226497

Saginaw Circuit Court

Family Division

LC No. 98-025368-NA

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In the Matter of B. J. P. and J. T. L., Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

CAROL ANN PAYNE,

Respondent-Appellant,

and

LARRY PAYNE,

Respondent.

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No. 226498  
Saginaw Circuit Court  
Family Division  
LC No. 98-025369-NA

Before: Griffin, P.J., and Neff and White, JJ.

PER CURIAM.

In these consolidated appeals, respondent-appellant Carol Payne (hereinafter "respondent") appeals as of right the termination of her parental rights to the minor children pursuant to MCL 712A.19b(3)(b)(ii), (c)(i), (g) and (j); MSA 27.3178(598.19b)(3)(b)(ii), (c)(i), (g) and (j). We affirm.

Respondent does not challenge the family court's determination that the statutory grounds for termination were established by clear and convincing evidence. Rather, she maintains that termination was not warranted based on a consideration of the children's best interests.

The burden of proof is on the petitioner to prove a statutory ground for termination by clear and convincing evidence. *In re Trejo Minors*, 462 Mich 341, 350; 612 NW2d 407 (2000). Once that burden is met, pursuant to MCL 712A.19b(5); MSA 27.3178(598.19b)(5), "the court must issue an order terminating parental rights unless there exists clear evidence, on the whole record, that termination is not in the child's best interests." *Trejo, supra* at 354. A court should decide the "best interests" question based upon all of the evidence presented and without regard to which party produced the evidence. *Id.* at 352-354. The court's decision regarding the child's best interests is reviewed for clear error. *Id.* at 364.

Whatever bond respondent had with her children, the strength of that bond did not justify the children's continued exposure to the repeated abuse and harm that they suffered while living with respondent. The evidence was overwhelming that the children's interests would be better

served living in a stable and safe environment, which respondent was unable to provide in the past and was not reasonably likely to be able to provide in the foreseeable future. Moreover, the mere fact that respondent was allowed to retain custody of her sixth child did not establish that she could reasonably be expected to provide the care and stability that the other five children required. We find no clear error in the family court's determination that the children's best interests would be served by terminating respondent's parental rights.

Affirmed.

/s/ Richard Allen Griffin

/s/ Janet T. Neff

/s/ Helene N. White